

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JACOB BENJAMIN WINTER,

Plaintiff,

v.

Civil Action No. 2:14-cv-26977

SGT. MARK PLUMLEY, in his
individual capacity, and
OFFICER CLIFTON CARR, in his
individual capacity, and
CAPTAIN MARGARET CLIFFORD, in her
individual capacity, and
WARDEN DAVID BALLARD, in his
individual and official capacities,
and MAJOR ROBERT RHODES, in his
individual and official capacities,
and JIM RUBENSTEIN in his individual
and official capacities,

Defendants.

MEMORANDUM OPINION AND ORDER

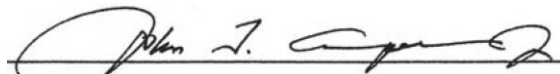
The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, filed on March 27, 2017, pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) ; and having reviewed the record in this proceeding; and it appearing that plaintiff has made no filings in the case after his complaint on October 17, 2014, and a letter inquiring of case status on January 6, 2015, despite being directed to file a new Application to Proceed Without Prepayment of Fees and Costs by May 15, 2015; and there being no objections filed by any party to the

proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge relating to the dismissal of this action be, and they hereby are, adopted by the court.

It is, therefore, ORDERED that the petitioner's complaint be, and it hereby is, dismissed without prejudice.

The Clerk is directed to forward copies of this written opinion and order to plaintiff, all counsel of record and the United States Magistrate Judge.

DATED: October 18, 2017

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge